

# The Orissa Gazette



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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No. 1868 CUTTACK, THURSDAY, AUGUST 11, 2011/SRAVANA 20, 1933

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## FOREST & ENVIRONMENT DEPARTMENT

### NOTIFICATION

The 30th July 2011

No. 13891—10F-legal-3/2011-F & E—Guidelines for establishment, relocation and functioning of Saw Mills in the identified industrial estates of the State is indicated below as per the provisions contained in Orissa Saw Mills and Saw Pits (Control) Act, 1991 and Orissa Saw Mills and Saw Pits (Control) Amendment Act, 2010.

#### Background

Prior to 1980, the control of timber in transit or possession was regulated by the provision of Section 45 of the Orissa Forest Act, 1972. Under the said section of the Act, the Orissa Forest Saw Pits and Saw Mills (Control) Rules, 1980 was brought in during 1980 which prohibited establishment of Saw Pits or Saw Mills inside the forest land within 80 kms. from its boundary without a valid license. In 1991, the Orissa Saw Mill and Saw Pits (Control) Act, 1991 was brought in for regulation of Saw Mills and Saw Pits in the State. The Act came into force on the 13th December 1991 after its publication in the *Orissa Gazette*. To facilitate implementation of the Act, Orissa Saw Mills and Saw Pits (Control) Rules, 1993 were framed which came into effect from the 18th November 1993. As per the Orissa Saw Pits and Saw Mills (Control) Rules, 1980, 427 Saw Mills existed in the State till 1991. After promulgation of the Saw Mills Act, 1991 and Rules, 1993 a further 132 number of Saw Mills were given licence based on the criteria of "more than 10 kms. distance" by road from the forest boundary. Thus the total number of licence holding Saw Mills in the State became 559 till 2002. Hon'ble High Court of Orissa in OJC No. 11164/1996 (*Maa Mangala Saw Mill vrs. State & others*) clarified that 10 kms. distance from boundary of the nearest forest is to be the radial distance (as crow flies). As per this clarification of the Hon'ble High Court, radial distance criteria was followed in implementation of the Saw Mills and Saw Pits (Control) Act, 1991 and most of the Saw Mills were closed. On the 2nd July 2008 only 24 Saw Mills existed in the State. After amendment in the Saw Mill Act during 2007, Orissa Forest Development Corporation started operating Saw Mills on contract basis and the total number of Saw Mills increased to 41. However, after the order of Hon'ble Supreme Court dated the 10th July 2009, 34 Saw Mills were closed and

only 7 Saw Mills are functioning at present. As per the orders of Hon'ble Supreme Court, Orissa Saw Mills & Saw Pits Amendment Act, 2010 has been enacted which allows establishment, relocation and functioning of Saw Mills in two identified industrial estates (maximum two in one district) subject to compliance of the guidelines issued by the State Government from time to time. Hence, it has become necessary to formulate the guidelines for establishment, relocation and functioning of Saw Mills closed due to enforcement of the Saw Mills & Saw Pits (Control) Act, 1991 and subsequent orders of the Supreme Court.

## **The Guidelines**

### Identification of Industrial Estate

1. The Industries Department shall identify industrial estates (maximum two in each district) for the purpose of establishment, relocation and functioning of Saw Mills in those industrial estates. While submitting the list of identified industrial estates, the Department shall also indicate the sheds/area available for establishment, relocation and functioning of Saw Mills.
2. Preference may be given to the industrial estate which is closer to the office of D.F.O./Forest Ranger/Forester.

### Eligibility for establishment, relocation and functioning of Saw Mills in identified industrial estate.

3. The eligibility of Saw Mills to be rehabilitated in the identified industrial estate will be determined by the following criteria :—
  - (a) Priority will be given to Saw Mills in the State functioning for a longer period on the strength of valid license.
  - (b) Saw Mills which were functioning with no-offence record, will only be rehabilitated. In case the Saw Mills have been booked for committing offences, first the offences need to be condoned by the Government seeing their gravity for considering them for rehabilitation in the identified industrial estate.
  - (c) A list of Saw Mills having no record of offence against them will be prepared as per their seniority basing on duration of functioning on the strength of valid license. Such a list will be prepared by the P.C.C.F., Orissa.
  - (d) Saw Mills having modern technology and equipment will be preferred
4. The eligibility list of Saw Mills as per criteria narrated at Point 4 above, will be put on the Noticeboard of the office of the P.C.C.F., Orissa and the Website of Forest & Environment Department. The eligible Saw Mills owners will be required to furnish their willingness for rehabilitation in the Industrial Estate giving three choices of industrial estates, to the P.C.C.F., Orissa by a specified date in sealed cover. The option exercised will be final.
5. The shed/land allotted to Saw Mills for establishment or relocation should be able to accommodate at least one horizontal bandsaw, one vertical bandsaw, one cross-cut-saw and other accessories.

6. Basing on the option exercised within the stipulated period, the decision regarding rehabilitation of the eligible Saw Mills will be taken up by a Committee headed by P.C.C.F., Orissa. The decision of the Committee will be final. The decision of the Committee will be communicated to the eligible Saw Mills owners and forest field functionaries concerned. A copy of the decision will also be submitted to the Forest & Environment Department and Industries Department for necessary action at their end.
7. On receipt of the decision of the Committee headed by the P.C.C.F., Orissa, Industries Department will take steps for allotment of shed/land in different industrial estates by the authority competent to make such allotment.
8. On allotment of shed/land in the industrial estate, the Saw Mills owners will have to apply for license to the concerned D.F.O., under Saw Mills Act, enclosing a sketch of shed/land allotted, equipment to be installed etc. within 15(Fifteen) days.
9. The concerned D.F.O. shall forward the said applications with his recommendation to the P.C.C.F., Orissa within 15(Fifteen) days of its receipt. The P.C.C.F., Orissa, after examining the content will allow rehabilitation of Saw Mills. Then the D.F.O. concerned will issue license to the applicant for the Saw Mills.
10. The day-to-day functioning (operation) and control of Saw Mills would be done as per the existing provisions of Orissa Saw Mills & Saw Pits (Control) Act, 1991 and rules framed thereunder in 1993.

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ORDER—Ordered that the Guidelines be published in the extraordinary issue of the *Orissa Gazette*.

By order of the Governor

A. BEHERA

Principal Secretary to Government